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5 Attorney for Claimant
JOHN DIXON II
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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10
11 UNITED STATES OF AMERICA,)

Case No. 12-CV-0290-LAB(BLM)

12 Plaintiff,)

13 vs.)

**JOSEPH DIXON II'S ANSWER TO
COMPLAINT FOR FORFEITURE
AND DEMAND JURY TRIAL**

14 \$18,467.00 IN U.S. CURRENCY,)

15 Defendant.)
16

17 COMES NOW the Claimant, JOHN DIXON II, and in answer to Plaintiff's Complaint for
18 Forfeiture, hereby responds, alleges, and otherwise pleads as follows:

19 1. Claimant denies each and every allegation set forth in Paragraph 1. of the Complaint
20 for Forfeiture in the conjunctive as well as the disjunctive.

21 2. Claimant denies each and every allegation set forth in Paragraph 2. of the Complaint
22 for Forfeiture in the conjunctive as well as the disjunctive.

23 3. Answering Paragraph 3. of the Complaint, Claimant has no information or
24 belief sufficient to enable him to answer the allegations contained therein, and basing his denial on
25 that ground, denies each and every allegation contained therein in the conjunctive as well as the
26 disjunctive.

27 4. Claimant denies each and every allegation set forth in Paragraph 4. of the
28 Complaint for Forfeiture in the conjunctive as well as the disjunctive.

1 5. Answering Paragraph 5. of the Complaint, Claimant has no information or
2 belief sufficient to enable him to answer the allegations contained therein, and basing his denial on
3 that ground, denies each and every allegation contained therein in the conjunctive as well as the
4 disjunctive

5 6. Answering Paragraph 6. of the Complaint, Claimant has no information or
6 belief sufficient to enable him to answer the allegations contained therein, and basing his denial on
7 that ground, denies each and every allegation contained therein in the conjunctive as well as the
8 disjunctive.

9 7. Claimant admits each and every allegation set forth in Paragraph 7. of the
10 Complaint for Forfeiture in the conjunctive as well as the disjunctive.

11 8. Claimant denies each and every allegation set forth in Paragraph 8. of the
12 Complaint for Forfeiture in the conjunctive as well as the disjunctive.

13 9. Claimant admits each and every allegation set forth in Paragraph 9. of the
14 Complaint for Forfeiture in the conjunctive as well as the disjunctive.

15 10. Claimant denies each and every allegation set forth in Paragraph 10. of the
16 Complaint for Forfeiture in the conjunctive as well as the disjunctive.

17 11. Claimant denies each and every allegation set forth in Paragraph 11. of the
18 Complaint for Forfeiture in the conjunctive as well as the disjunctive.

19 12. Claimant denies each and every allegation set forth in Paragraph 12. of the
20 Complaint for Forfeiture in the conjunctive as well as the disjunctive.

21 13. Answering Paragraph 13. of the Complaint, Claimant has no information or
22 belief sufficient to enable him to answer the allegations contained therein, and basing his denial on
23 that ground, denies each and every allegation contained therein in the conjunctive as well as the
24 disjunctive.

25 **AFFIRMATIVE DEFENSE(S)**

26 **FIRST AFFIRMATIVE DEFENSE**

27 For a further and separate answer to the Complaint, Claimant alleges the subject Complaint
28 as pled fails to state facts sufficient to constitute a cause of action against the defendant property.

1 **SECOND AFFIRMATIVE DEFENSE**

2 For a further and separate answer to the Complaint, Claimant alleges plaintiff lacked
3 probable cause for the institution of the forfeiture action.

4 **THIRD AFFIRMATIVE DEFENSE**

5 For a further and separate answer to the Complaint, Claimant alleges that the forfeiture in this
6 case is disproportionate, and is a violation of the Eighth Amendment to the United States
7 Constitution.

8 **FOURTH AFFIRMATIVE DEFENSE**

9 For a further and separate answer to the Complaint, Claimant alleges that the searches which
10 led to the seizure of the defendant currency violated the Fourth Amendment to the United States
11 Constitution.

12 **JURY DEMAND**

13 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure and general federal law,
14 Claimant demands a trial by jury in connection with the subject action.

15 WHEREFORE, claimant prays for judgment as follows:

- 16 1. That the Complaint be dismissed with prejudice;
17 2. That the subject property be returned to Claimant;
18 3. For reasonable attorney's fees herein and costs of suit; and
19 4. For such other and further relief as the Court may deem just.

20 DATED: March 6, 2012

21 /s/ Richard M. Barnett
22 RICHARD M. BARNETT, ESQ.
richardmbarnett@gmail.com

23 Attorney for Claimant
24 Joseph Dixon II
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CERTIFICATE OF SERVICE

I, RICHARD M. BARNETT, do hereby state:

That I am a citizen of the United States, over the age of eighteen years, and not a party to the within action.

That my business address is 105 West F Street, 4th Floor, San Diego, California.

That on March 6, 2012 I have caused service of Answer to Complaint for Forfeiture and Demand Jury Trial on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies said party:

1. Michael P. Running, Jr., Special Assistant U.S. Attorney, Attorney for Plaintiff.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 6th day of March, 2012, at San Diego, California.

/s/ Richard M. Barnett
RICHARD M. BARNETT